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STAAS & HALSEY LLP			SHERMAN, STEPHEN G	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/748,686	FITZMAURICE ET AL.	
	<b>Examiner</b> Stephen G. Sherman	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 11 October 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 26 is/are allowed.
- 6) Claim(s) 1-25 and 27-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

1. This office action is in response to the amendment filed 11 October 2007.

Claims 1-32 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-14, 20-22, 23-25 and 27-30 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed with respect to the 112, 1<sup>st</sup> rejection of claims 15-19 and 31-32 have been fully considered but they are not persuasive.

The applicant's arguments begin on page 9, where the applicant argues the rejection of claims 1-25 and 27-32. Most of the claims were amended to overcome any 112, 1<sup>st</sup> issues except for claims 15 and 19, which were not amended, claims 16-18 that depend from claim 15, and claims 31-32 which was amended. Claims 15-18 and 31-32 still contain 112, 1<sup>st</sup> issues and thus the rejection is maintained. Furthermore, with respect to claim 32, the applicant did not even respond to the rejection articulated on page 6 of the last office action, and therefore the rejection is maintained.

***Claim Objections***

4. Claim 20 is objected to because of the following informalities: the amendment made was inserted between the words "the" and "arc" making the claim read "...where the starts near a first display edge and ends near a second display edge and arc is..." which should be changed to read: "...where the arc starts near a first display edge and ends near a second display edge and is..." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 15-19 and 31-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 15 states that there is a persistent semicircular graphic located in a corner of a display area...associated with an end range of a natural motion by a user. The specification, however, only shows the interfaces of Figures 13, 17, 20 and 25 being located in the display corner, all of which are not semicircular (The definition of

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semicircular is "a plane figure with the shape of half a circle"). Figure 31 is the only Figure that shows a semicircular persistent interface graphic, however, it is not located in a corner of the display, and therefore the applicant does not have the written description necessary to allow for the semicircle to be in the corner. Paragraph [0060] of the specification even explicitly states that the semicircular interface of Figure 31 is NOT in a display corner.

Claims 16-18 are dependent from claim 15 and therefore also fail to comply with the written description requirement.

Claim 19 is rejected under the same rationale as claim 15.

Claim 31 states that there is a fixed position, semicircular shaped, display edge intersecting menu bar interface graphic located in a display corner responsive to a natural motion by a user. The specification, however, only shows the interfaces of Figures 13, 17, 20 and 25 being located in the display corner, all of which are not semicircular (The definition of semicircular is "a plane figure with the shape of half a circle"). Figure 31 is the only Figure that shows a semicircular persistent interface graphic, however, it is not located in a corner of the display, and therefore the applicant does not have the written description necessary to allow for the semicircle to be in the corner. Paragraph [0060] of the specification even explicitly states that the semicircular interface of Figure 31 is NOT in a display corner.

Claim 32 states "a first graphical user interface located responsive to a natural motion by a user associated with a first end of a range of the natural motion; and second graphical user interface located responsive to the natural motion by a user

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associated with a second end of the range of the natural motion; and said first and second graphical user interfaces each comprising: an arc shaped persistent graphic defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion; and controls initiating an action, located in the interface area and accessible via the natural motion" which is not described in the specification. The specification only shows one interface menu located at an end range of a user motion that is perpendicular to the motion arc. The specification does not have support for a second menu being located at the other end also being perpendicular. The specification explains of a pop-up circular menu, however, this menu is not at the other end of the user motion range. The specification also explains of an overflow menu being located on the natural motion arc, however, this menu is not perpendicular to the natural motion arc. Thus, the specification does not contain support for the limitations of claim 32.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 states that the menu is "semicircular" (The definition of semicircular is "a plane figure with the shape of half a circle") which means that the menu would only intersect one display edge, however the claim contains a new limitation stating that the

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graphic starts near a first display edge and ends near a second display edge. Therefore the examiner cannot possibly know whether the graphic is semicircular shaped and is only near a single display edge, or whether the applicant intends for the graphic to start near one display edge and end near a second such that the graphic would not be semicircular.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-9, 11-14, 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker (US 2002/0122072) in view of Pitroda (US 2002/0097277).

***Regarding claim 1,*** Selker discloses an interface, comprising:

a graphical user interface area located in a display corner responsive to a natural motion by a user associated with an end of a range of the natural motion (Paragraph [0046] states “The present invention should not be limited by size, shape, position on a computer display, number of levels...”. Thus the position of the arc shaped menu of Figure 2 could be anywhere on the screen, which covers the limitation that the graphical user interface area is located in a display corner responsive to a natural motion by a user associated with an end range of the natural motion.) and, comprising:

an arc shaped persistent graphic (Figure 2 shows the menu which is circular.

The outer circumference of a circle is defined by arcs and thus, a circular shaped menu is “arc shaped”. Paragraph [0046] explains that the menu can be fixed, i.e. persistent.) defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion (As explained above, paragraph [0046] explains that the menu can be placed anywhere on a display. Thus there will be positions on the display in which the outer arc of the menu will be at a right angle with the natural motion arc of a user.); and

controls initiating an action located in the interface area and accessible via the natural motion (Figure 2 shows that the interface area defined by areas 11-14 and 21-24, which are controls, are accessible via the natural motion of a user. Figure 2 is explained in paragraphs [0035] and [0036]. Menus contain menu selection items as explained in paragraph [0035]. Paragraph [0035] further explains that the menu selection items, i.e. controls, could be ones such as “cut”, “copy”, “paste” and “delete”,

which initiate the action of cutting, copying, pasting and deleting when selected. Thus the controls initiate an action.).

Selker fails to teach wherein the arc shaped persistent graphic starts near a first display edge and ends near a second display edge.

Pitroda discloses of an interface, wherein a graphical user interface area is located in a display corner responsive to a natural motion by a user associated with an end range of the natural motion comprising an arc shaped graphic starting near a first display edge and ending near a second display edge and defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion (Figure 11A shows a graphical user interface area located in the upper left corner that has an arc shaped graphic which starts near the left display edge and ends near the upper display edge. Paragraph [0131] explains that when a section of the circular user interface is selected, as shown for example in Figure 10AA, it is moved to the corner of the display as shown in Figure 11A. If a user was left handed, this interface graphic would be associated with and perpendicular to their natural motion path.).

Therefore, it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to make the interface taught by Selker reduce into an interface as taught by Pitroda in order to minimize the area the interface takes up while allowing the user to continue easy access to all tools the interface provides.

***Regarding claim 2,*** Selker and Pitroda disclose an interface as recited in claim

1.

Selker also discloses wherein the natural motion is a curve associated with movement of a hand of the user when an elbow of the user is pivoted (When anyone places their elbow on a surface, they will produce a natural motion curve, and as explained above, paragraph [0046] states "The present invention should not be limited by size, shape, position on a computer display, number of levels...". Thus the position of the arc shaped menu of Figure 2 could be anywhere on the screen, which covers the limitation that the graphical user interface area is located responsive to a natural motion by a user associated with an end range of the natural motion, where the natural motion is a curve associated with movement of a hand of the user when an elbow of the user is pivoted.).

***Regarding claim 3,*** Selker and Pitroda disclose an interface as recited in claim

2.

Selker also discloses wherein a location responsive to the natural motion of the user hand is defined by the natural motion passing through a substantial center area of a display area (Paragraph [0046] explains that the position on the display of the menu is not limited meaning that the interface could be located somewhere with respect to a user's hand passing through a center of the display.).

***Regarding claim 4,*** Selker and Pitroda disclose an interface as recited in claim

1.

Selker also discloses wherein the natural motion is a curve associated with movement of a hand of the user when an elbow of the user is pivoted and one of a wrist of the user is rotated and fingers of the user are moved (Please refer to the rejection of claim 2, where if the user's entire arm past the elbow is moving then the wrist and fingers are moved as well.).

***Regarding claim 5,*** please refer to the rejection of claim 1, and furthermore since paragraph [0046] of Selker states "The present invention should not be limited by size, shape, position on a computer display, number of levels...", the position of the arc shaped menu of Figure 2 could be anywhere on the screen such as in a lower corner, instead of an upper corner as taught by Pitroda, which covers the limitation that the interface location responsive to the natural motion of the user is a lower corner of a display area.

***Regarding claim 6,*** Selker and Pitroda disclose an interface as recited in claim

1.

Selker also discloses wherein the graphic is a shape corresponding to an arc shaped curve and the controls are positioned in accordance with the curve (Figure 2).

***Regarding claim 7,*** Selker and Pitroda disclose an interface as recited in claim 6.

Selker also discloses wherein a radius of the arc shaped curve is at least a radius of a menu of one of the controls (Figure 2).

***Regarding claim 8,*** Selker and Pitroda disclose an interface as recited in claim 6.

Selker also discloses wherein a control closest to a display area is positioned along the curve at least a radius of a menu of the control from a display edge (Figure 2 and paragraph [0046]).

***Regarding claim 9,*** Selker and Pitroda disclose an interface as recited in claim 1.

Selker also discloses wherein a menu associated with one of the controls has a layout responsive to the curve (Figure 2).

***Regarding claim 11,*** Selker and Pitroda disclose an interface as recited in claim 1.

Selker also discloses wherein the interface is located in a lower left corner of a display area (Paragraph [0046] explains that the location can be made to be anywhere, meaning that the location could be the lower left corner of the display.) and the controls of the interface are arranged as one of a convex arc across the corner, a concave arc

across the corner, a line across the corner, an array in the corner, a convex corner across the corner, a convex arc with a linear portion across the corner, a sectioned pie in the corner, a sectioned pie in the corner and extending across the display area, and a rotatable circle intersecting both sides of the corner (Figure 2 shows that the menu items are located along the arc of the circle.).

***Regarding claim 12,*** please refer to the rejection of claim 1, and furthermore Figure 11A of Pitroda shows the control zones labeled in the Figure as “primary universe” have a shape responsive to an approach arc, which would be perpendicular to a “dominant arc” of a user’s natural motion on the display, where Figure 12 of Pitroda shows that the “primary universe” controls provide for the “pop-up” of the “secondary universe” which as a radius.

***Regarding claim 13,*** Selker et al. and Pitroda disclose the interface as recited in claim 12.

Selker et al. also disclose wherein the zone shape comprises one of a wedge, a curved sides triangle and a curved sided trapezoid (Figure 2).

***Regarding claim 14,*** Selker and Pitroda disclose the interface as recited in claim 1.

Pitroda also discloses wherein the zones have non-coincident, dominant arc approach paths (Figure 11A shows that each “primary universe” would have a different arc approach paths by a user.).

***Regarding claim 21,*** this claim is rejected under the same rationale as claim 5.

***Regarding claim 31,*** please refer to the rejection of claim 1, and furthermore Figure 11B of Pitroda covers the limitation of “a fixed position, semicircular shaped, display edge intersecting menu bar interface graphic”.

12. Claims 20, 23-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keely, Jr. et al. (US 6,337,698) in view of Selker (US 2002/0122072) and further in view of Pitroda (US 2002/0097277).

***Regarding claims 20 and 27,*** Keely, Jr. et al. disclose a method and a computer readable storage for controlling a computer comprising:

mapping controls of an graphical user interface in an arc shape (Figs. 10-12) at a corner location responsive to an approach arc associated with an end of a range of a natural user motion (Column 7, lines 10-12 and Fig. 10, line 142, see col. 6, lines 39-40, where a motion arc of a user is shown for selecting one of the menu items, and as shown the menu is placed responsive to the range of a user’s natural motion to be able to select the menu items.) and with a radius responsive to an underlying menu (Figs.

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10-12, the radius of the user's approaching stroke is the radius of the menu) activatable via one of the controls (Figs. 10-12, where the menu is activated by using the controls) and where the arc is substantially perpendicular to a natural motion path of the natural motion (Figures 10-12 show that the menu arc is substantially perpendicular to the natural motion arc of the user.); and

allowing a user to activate the controls (see col. 6, lines 39-40).

Keely, Jr. et al. fail to teach that the interface is persistent.

Selker discloses of a graphical user interface wherein a persistent interface has an arc shape (Figure 2 and paragraph [0046] explain that the interface can be fixed, while Figure 2 shows that the menu has an arc shape.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to make the interface taught by Keely, Jr. et al. be a fixed interface as taught by Selker et al. in order to provide for easy accessibility to the menu items used more frequently and to allow the user to constantly see the options of the menu.

Keely, Jr. et al. and Selker fail to teach wherein the arc shaped persistent graphic starts near a first display edge and ends near a second display edge.

Pitroda discloses of an interface, wherein a graphical user interface area is located in a display corner responsive to a natural motion by a user associated with an end range of the natural motion comprising an arc shaped graphic starting near a first display edge and ending near a second display edge and defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural

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motion (Figure 11A shows a graphical user interface area located in the upper left corner that has an arc shaped graphic which starts near the left display edge and ends near the upper display edge. Paragraph [0131] explains that when a section of the circular user interface is selected, as shown for example in Figure 10AA, it is moved to the corner of the display as shown in Figure 11A. If a user was left handed, this interface graphic would be associated with and perpendicular to their natural motion path.).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to make the interface taught by the combination of Keely, Jr. et al. and Selker reduce into an interface as taught by Pitroda in order to minimize the area the interface takes up while allowing the user to continue easy access to all tools the interface provides.

***Regarding claim 23,*** Keely, Jr. et al., Selker and Pitroda disclose a method as recited in claim 20.

Keely, Jr. et al. also disclose wherein the mapping maps controls on the arc responsive to a function of the controls (Fig. 10, the controls are mapped onto the arc-shaped menu according to their function).

***Regarding claim 24,*** Keely, Jr. et al., Selker and Pitroda disclose a method as recited in claim 20.

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Keely, Jr. et al. also disclose the method further comprising minimizing the interface responsive to activation of a minimize control (see col. 7, lines 51-57, where the pen leaving the surface activates the palette to be toggled off the screen, which is a form of minimizing it).

***Regarding claim 25***, Keely, Jr. et al., Selker and Pitroda disclose a method as recited in claim 20.

Keely, Jr. et al. also disclose:

displaying a menu upon a touch input (see col. 6, lines 54-55) and allowing a user to select an item of the menu (Fig. 10, shows the path a user takes to select an item);

displaying a menu and performing an interaction upon a dwell input (col. 7, lines 50-57, where the pen leaving the surface can minimize the menu therefore allowing the pen to dwell on the surface allows the user to interactively maintain the display of the menu); and

performing a function upon a stroke input (col. 7, lines 27-30, where the user makes a selection via a stroke input).

***Regarding claim 28***, Keely, Jr. et al. disclose an apparatus, comprising:

a display (Fig. 11 shows a display); and

a processor (col. 3, line 50, where a computer has a processor) positioning a graphical user interface of multiple controls in a lower corner of the display associated

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with an end of a range of a natural user motion (see col. 7, lines 10-12, where the processor is inherently involved in positioning the menu in the corner, and as shown in Figure 10-12 the menu is placed responsive to the range of a user's natural motion to be able to select the menu items.),

the interface having an interface arc shape (Fig. 10) where the arc is substantially perpendicular to a natural motion path of the natural motion (Figures 10-12 show that the menu arc is substantially perpendicular to the natural motion arc of the user.) and

positioning the controls on the interface arc at positions responsive to a natural motion arc of a user when moving a hand from a center of the display toward the corner (Fig. 10, line 142, see col. 6, lines 39-40, where there is a motion made from the center of the menu, which is towards the center of the display when the menu is in the corner, toward the corner).

Keely, Jr. et al. fail to teach that the interface is persistent.

Selker discloses of a graphical user interface wherein a persistent interface has an arc shape (Figure 2 and paragraph [0046] explain that the interface can be fixed, while Figure 2 shows that the menu has an arc shape.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to make the interface taught by Keely, Jr. et al. be a fixed interface as taught by Selker et al. in order to provide for easy accessibility to the menu items used more frequently and to allow the user to constantly see the options of the menu.

Keely, Jr. et al. and Selker fail to teach wherein the arc shaped persistent graphic starts near a first display edge and ends near a second display edge.

Pitroda discloses of an interface, wherein a graphical user interface area is located in a display corner responsive to a natural motion by a user associated with an end range of the natural motion comprising an arc shaped graphic starting near a first display edge and ending near a second display edge and defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion (Figure 11A shows a graphical user interface area located in the upper left corner that has an arc shaped graphic which starts near the left display edge and ends near the upper display edge. Paragraph [0131] explains that when a section of the circular user interface is selected, as shown for example in Figure 10AA, it is moved to the corner of the display as shown in Figure 11A. If a user was left handed, this interface graphic would be associated with and perpendicular to their natural motion path.).

Therefore, it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to make the interface taught by the combination of Keely, Jr. et al. and Selker reduce into an interface as taught by Pitroda in order to minimize the area the interface takes up while allowing the user to continue easy access to all tools the interface provides.

***Regarding claim 29,*** Keely, Jr. et al., Selker and Pitroda disclose an apparatus as recited in claim 28.

Keely, Jr. et al. also disclose wherein the processor positions the controls responsive to a function of the controls (Fig. 10, where the controls are displayed according to their function, that being of displaying a certain color, and their positioning is inherently performed by the processor).

***Regarding claim 30,*** Keely, Jr. et al., Selker and Pitroda disclose an apparatus as recited in claim 28.

Keely, Jr. et al. also disclose an apparatus further comprising a stylus-based input system coupled to the processor and the display (col. 3, lines 49-50), and activating the controls responsive to a tap of a stylus on one of the controls (see col. 6, lines 54-55), a dwell of the stylus over one of the control input (col. 7, lines 50-57, where the pen leaving the surface can minimize the menu therefore allowing the pen to dwell on the surface allows the user to interactively maintain the display of the menu) and a stroke of the stylus on one of the controls (col. 7, lines 27-30, where the user makes a selection via a stroke input).

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selker (US 2002/0122072) in view of Pitroda (US 2002/0097277) and further in view of Kurtenbach (US 5,689,667).

***Regarding claim 10,*** Selker and Pitroda disclose an interface as recited in claim 1.

Selker and Pitroda fail to explicitly teach a marking menu associated with one of the controls having a layout where a downward stroke brings up additional tool palettes and/or dialogs.

Kurtenbach discloses a marking menu associated with one of the controls has a layout where a downward stroke brings up additional tool palettes and/or dialogs (see col. 3, lines 35-60, where a user can bring up a new sub-menu, which constitutes a dialog, by making a stroke towards a menu item but not lifting up the pen).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Kurtenbach in the device taught by the combination of Selker and Pitroda to have a commonly known method of bringing up an a pop-up menu with a single stroke for allowing additional controls of the menu to be utilized.

14. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selker (US 2002/0122072) in view of Pitroda (US 2002/0097277) and further in view of Keely, Jr. et al. (US 6,337,698).

*Regarding claim 22,* Selker and Pitroda disclose a method as recited in claim 21.

Selker and Pitroda fail to teach wherein the corner is lower right corner for a left-handed person and a lower left corner for a right-handed person.

Keely, Jr. et al. disclose a graphical user interface located in a corner of a display wherein the corner is lower right corner for a left-handed person and a lower left corner for a right-handed person (Figs. 10-12, see col. 6, lines 45-54 and col. 7, lines 7-12, where it is clear that the menu goes in the lower right corner for a left-handed person and the lower left corner for a right-handed person).

Therefore, it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to make the interface graphic taught by the combination of Selker and Pitroda located in a left corner for a right handed user and a right corner for a left handed user as taught by Keely, Jr. et al. in order to allow for the maximum comfort of the user in operating the menu.

***Allowable Subject Matter***

15. Claim 26 is allowed.

16. The following is a statement of reasons for allowance:

Relative to independent claim 26, the major difference between the prior art of record (Selker, Pitroda, Keekly, Jr. et al., Ono, Anderson, and Kurtenbach) and the instant invention, is that said prior art does not teach a method wherein if a user is inking from a drawing canvas and the inking crosses into the menu, inking still occurs on the canvas.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS

8 November 2007

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER  
